IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5407 OF 2005

Smt. Nargis Mohammed Khan ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. Prakash Naik for the Applicant.
Ms S. D. Shinde, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : AUGUST 23, 2005.

P.C.:

1. Heard Advocate appearing for the Applicant and the learned A.P.P. for the State. The learned Advocate for the Applicant stated that the next date fixed in the Trial Court is 03rd September, 2005. He states that on that day the Applicant will appear before the Trial Court and will apply for cancellation of warrant issued against her. He prays that till the Application is heard by the learned Trial Judge, limited protection may be granted to the Applicant. The learned A.P.P. submitted that the Applicant has not approached the concerned Court and therefore, this Application should not be entertained.

2. In view of the statement made by the Advocate for the Applicant which is recorded above, limited protection deserves to be granted in favour of the Applicant.

3. Hence, Application is disposed of by passing the following order:

: O R D E R :

i) The statement of the Advocate for the Applicant that the Applicant will remain present in the Trial Court on 03rd September, 2005 and will apply for cancellation of warrant is accepted.

ii) If the Applicant remains present before the Trial Court on 03rd September, 2005 and files an Application for cancellation of warrant, the said Application shall be decided by the learned Trial Judge on its own merits within a period of four weeks from that date on which the said Application is filed. Till the said Application is decided, the warrant issued against the Applicant shall not be executed.

iii) If the Applicant fails to appear before the Trial Court on 03rd September, 2005, the limited protection granted by this Order will not apply and the warrant issued against the Applicant will become executable forthwith.

iv) Parties and the concerned Court to act upon an authenticated copy of this order.

JUDGE